

**FILED**

APR 03 2015

RICHARD L. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

CAVE CONSULTING GROUP, INC.,

Plaintiff/Counterclaim  
Defendant,

v.

OPTUMINSIGHT, INC., f/k/a INGENIX,  
INC.,

Defendant/Counterclaim  
Plaintiff.

CASE NO. 5:11-CV-0469-EJD

**SPECIAL VERDICT FORM**

1 When answering the following questions and filling out this Verdict Form, please follow  
 2 the directions provided throughout the form. Your answer to each question must be unanimous.  
 3 Some of the questions contain legal terms that are defined and explained in detail in the jury  
 4 instructions. Please refer to the jury instructions if you are unsure about the meaning or usage of  
 5 any legal term that appears in the questions below.

6 We, the jury, unanimously agree to the answers to the following questions and return them  
 7 under the instructions of this court as our verdict in this case.

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 9 **PART I: FINDINGS REGARDING CCGROUP'S '126 PATENT**

- 10 1. Has CCGroup proven by a preponderance of the evidence that OptumInsight infringes  
 11 claim 22 of CCGroup's '126 Patent? ("Yes" is a finding for CCGroup, "No" is a finding  
 12 for OptumInsight.)

13 Yes ☒ No ☐

- 14 2. Has CCGroup proven by a preponderance of the evidence that OptumInsight infringes  
 15 claim 29 of CCGroup's '126 Patent? ("Yes" is a finding for CCGroup, "No" is a finding  
 16 for OptumInsight.)

17 Yes ☒ No ☐

- 18 3. Has OptumInsight proven by clear and convincing evidence that CCGroup's '126 Patent  
 19 does not contain an adequate written description of the claim term "applying a first  
 20 maximum duration rule to identify episodes of care"? ("Yes" is a finding for  
 21 OptumInsight, "No" is a finding for CCGroup.)

22 Yes ☐ No ☒

- 23 4. Has OptumInsight proven by clear and convincing evidence that CCGroup's '126 Patent  
 24 does not contain an adequate written description of the claim term "weighted episode of  
 25 care statistics"? ("Yes" is a finding for OptumInsight, "No" is a finding for CCGroup.)

26 Yes ☐ No ☒

1 If you find that OptumInsight infringes Claim 22 of the '126 patent ("Yes" to Question  
2 1), or if you find that OptumInsight infringes Claim 29 of the '126 patent ("Yes" to Question 2),  
3 and you also find that those claims are valid ("No" to Questions 3 and 4), then answer Question  
4 5. If you do not so find, do not answer Question 5, and instead proceed to Part II.

5 5. State the amount of damages you find that CCGroup has proven by a preponderance of the  
6 evidence. \$12,325,000.00  
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**PART II: FINDINGS REGARDING OPTUMINSIGHT'S '079 PATENT**

6. Has OptumInsight proven by a preponderance of the evidence that CCGroup infringes claim 1 of OptumInsight's '079 Patent? ("Yes" is a finding for OptumInsight, "No" is a finding for CCGroup.)

Yes \_\_\_\_ No ☒

7. Has CCGroup proven by clear and convincing evidence that the 1994 article titled "Who Treats Medical Conditions More Cost Efficiently?" anticipates claim 1 of OptumInsight's '079 Patent? ("Yes" is a finding for CCGroup, "No" is a finding for OptumInsight.)

Yes \_\_\_\_ No ☒

8. Has CCGroup proven by clear and convincing evidence that OptumInsight's '079 Patent does not contain an enabling disclosure for claim 1? ("Yes" is a finding for CCGroup, "No" is a finding for OptumInsight.)

Yes \_\_\_\_ No ☒

1 If you find that CCGroup infringes claim 1 of the '079 patent ("Yes" to Question 6), and  
2 you also find that those claims are valid ("No" to Questions 7 and 8), then proceed to Question  
3 9. If you do not so find, do not answer question 9.

4 9. State the amount of damages you find that OptumInsight has proven by a preponderance  
5 of the evidence. 0

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9 You have now reached the end of the verdict form and should review it to ensure it  
10 accurately reflects your unanimous determinations. The Presiding Juror should then sign and date  
11 the verdict form in the spaces below and notify the Security Guard that you have reached a  
12 verdict. The Presiding Juror should retain possession of the verdict form and bring it when the  
13 jury is brought back into the courtroom.

14 Dated: April 3, 2015

15 Heather Drake  
16 Presiding Juror  
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